

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.3276 OF 2004.

Nirmala Gopichand Agarwal
and Anr.

Petitioners.

Vs.

Divisional Joint Registrar
and Ors.

..Respondents.

Mr. S. S. Patwardhan, Advocate for the
Petitioners.

Mr. M. H. Solkar, A.G.P. for Respondent
Nos.1 and 2

Mr. Anilkumar Patil for Respondent Nos.3 & 4.

CORAM: R.C. CHAVAN, J.
DATED: 12th January, 2007.

P.C.:-

1. By this petition, the petitioner has challenged the order passed by the Divisional Registrar, Co-operative Societies, Kolhapur disposing of Revision Application No. 384 of 2002. The learned counsel for the Petitioners restricted his challenge to the last three words appearing in the following operative part of the order.

. "The applicants and the opponent
are hereby directed to prepare revised

account statement through the Chartered Accountant mutually agreed by the Applicant as well as the Bank, taking into consideration the orders of Hon'ble High Court and established banking practices."

3. The learned counsel for the petitioner has apprehension that under the garb of "Established Banking practices" the Bank may charge compound interest though in the earlier order passed by the Joint Registrar, Co-operative Societies simple interest at the rate of 13.5% was to be levied. The learned Counsels state that this order had become final since the bank had challenged the said order by a petition before this Court and this Court had dismissed that petition.

4. The learned counsel for the respondent bank states that the bank has no intention to deviate from the order directing levy of simple interest at 13.5% till the date of recovery. In view of this in fact, the controversy is merely an apprehension of the

petitioner, which has been set at rest by the learned counsel for the respondent. Cause of action in the petition, therefore, does not survive. It is disposed of with the statement of the learned counsel for the respondent that the Bank would abide by the order passed by the learned Joint Registrar, Co-operative Societies on 31st January, 1998 in Application No.267/97-98.

[R.C. CHAVAN, J]